

[Docket No. 16]

IN THE UNITED STATE DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE

_____	:	
RICHARD MAY,	:	
	:	
Plaintiff,	:	
	:	Civil No. 09-3253 (RMB/AMD)
v.	:	
	:	<b>ORDER</b>
ANTHONY CHIRICHELO	:	
et al.,	:	
	:	
Defendants.	:	
_____	:	

THIS MATTER coming before the Court upon a motion to dismiss for failure to state an actionable claim and for lack of subject-matter jurisdiction, pursuant to Federal Rules of Civil Procedure 12(b)(1) and (6), by defendant Anthony Chirichello ("Defendant Chirichello"); and

THE PLAINTIFF Richard May ("Plaintiff") having opposed the motion; and

THE COURT having reviewed the moving papers and the opposition thereto; and

FOR THE REASONS set forth in the accompanying Opinion;

IT IS on this, the 13th day of November 2009, hereby

**ORDERED** that the motion to dismiss shall be **GRANTED-IN-PART** and **DENIED-IN-PART**: Claims brought pursuant to 42 U.S.C. § 1983 shall be dismissed without prejudice, but the Court shall retain

jurisdiction over all state-law claims.

s/Renée Marie Bumb  
RENÉE MARIE BUMB  
UNITED STATES DISTRICT JUDGE